

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
FIFTY-SEVENTH LEGISLATURE

**SIXTY-SEVENTH LEGISLATIVE DAY
THURSDAY, MARCH 13, 2003**

Senate Chamber

President Risch called the Senate to order at 9:30 a.m.

Roll call showed all members present except Senators Bunderson, Burkett, Cameron, Lodge, Noh, Schroeder, Sorensen, Stegner, and Stennett, absent and excused.

Prayer was offered by Chaplain Gene Arnold.

The Pledge of Allegiance was led by Abigail Morehouse, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

Senators Cameron, Noh, and Sorensen were recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 12, 2003, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

Petitions, Resolutions and Memorials

Senators Stegner and Stennett were recorded present at this order of business.

SCR 113

BY JUDICIARY AND RULES COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND DIRECTING THAT THE DIVISION OF HUMAN RESOURCES UNDERTAKE A STUDY OF THE FEASIBILITY OF MAINTAINING DAY CARE FACILITIES NEAR STATE OFFICES FOR THE BENEFIT OF STATE EMPLOYEES.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, many state employees are parents of young children and are in need of reliable, quality day care for their children; and

WHEREAS, evidence shows that employees are more productive when they can be assured of the safety and well-being of their children; and

WHEREAS, opportunities for providing day care facilities is a significant worker incentive which can be maintained without additional costs to the state.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-seventh Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Division of Human Resources is directed to undertake a study of the feasibility of maintaining day care facilities near state offices for the benefit of state employees. The division shall assemble a committee composed of at least one member of the Senate, one member of the House of Representatives, two state employees with young children, one representative from the Office of the Governor, two individuals engaged in the child care provider industry, and two persons representing the Division of Human Resources. The committee shall investigate the advantages and disadvantages, the potential for a self-sustaining program, the availability of facilities, and other matters they find related to the question of providing day care. They shall report their findings to the Second Regular Session of the Fifty-seventh Idaho Legislature.

SCR 113 was introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senators Bunderson, Burkett, Lodge, and Schroeder were recorded present at this order of business.

March 12, 2003

The JUDICIARY AND RULES Committee reports that **S 1004, S 1005, S 1006, S 1007, S 1008, S 1019, S 1041, and S 1056** have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled **S 1004, S 1005, S 1006, S 1007, S 1008, S 1019, S 1041, and S 1056** and ordered them transmitted to the House for the signature of the Speaker.

March 13, 2003

The FINANCE Committee reports out **H 330** with the recommendation that it do pass.

CAMERON, Chairman

H 330 was filed for second reading.

March 12, 2003

The AGRICULTURAL AFFAIRS Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Dr. Richard Parker to the Idaho Food Quality Assurance Institute, term to expire July 1, 2006.

WILLIAMS, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 12, 2003

The HEALTH AND WELFARE Committee reports out **H 150** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

BRANDT, Chairman

There being no objection, **H 150** was referred to the Fourteenth Order of Business, General Calendar.

March 12, 2003

The JUDICIARY AND RULES Committee reports out **HJM 4** and **H 171** with the recommendation that they do pass.

DARRINGTON, Chairman

HJM 4 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

H 171 was filed for second reading.

March 12, 2003

The STATE AFFAIRS Committee reports out **HCR 26** and **H 291** with the recommendation that they do pass.

SORENSEN, Chairman

HCR 26 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

H 291 was filed for second reading.

March 12, 2003

The RESOURCES AND ENVIRONMENT Committee reports out **H 110**, as amended, and **H 64**, as amended, with the recommendation that they be referred to the Fourteenth Order of Business for amendment.

NOH, Chairman

There being no objection, **H 110**, as amended, and **H 64**, as amended, were referred to the Fourteenth Order of Business, General Calendar.

March 12, 2003

The RESOURCES AND ENVIRONMENT Committee reports out **H 67** with the recommendation that it do pass.

NOH, Chairman

H 67 was filed for second reading.

March 12, 2003

The COMMERCE AND HUMAN RESOURCES Committee reports out **H 9**, as amended, with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

GOEDDE, Vice Chairman

There being no objection, **H 9**, as amended, was referred to the Fourteenth Order of Business, General Calendar.

March 12, 2003

The COMMERCE AND HUMAN RESOURCES Committee reports out **H 11**, **H 177**, **S 1084**, and **H 206**, as amended, with the recommendation that they do pass.

GOEDDE, Vice Chairman

H 11, **H 177**, **S 1084**, and **H 206**, as amended, were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

March 12, 2003

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I hereby advise you that I am returning to you, without my approval, disapproved and vetoed, the following Senate Bill, to wit:

S 1143

within the time limited by law, the same having arrived in the Office of the Governor at the hour of 4:32 p.m. on March 11, 2003.

I. INTRODUCTION

Senate Bill 1143 is a negative supplemental appropriation bill to reconcile the budget for Fiscal Year 2003. This legislation represents a good faith effort to bring the budget back into balance, but I cannot allow this legislation to become law because it will fail to keep the State's commitments to Idahoans in education, public safety and other vital services.

I support making permanent the holdbacks I ordered in the current fiscal year and would urge the Legislature to act on the recommendations outlined in my budget proposal.

II. DISCUSSION

More than two months ago in my State of the State and Budget Addresses, I said that I would not accept cuts that cripple the essential services Idahoans expect and deserve.

With only one quarter remaining in the fiscal year, it is not reasonable and, in many cases, not possible to effect further reductions beyond the holdbacks which I have already implemented and have asked for you to make permanent. This administration will continue its efforts to find efficiencies and savings, but the implications of this measure could have lasting consequences. The following are some of my objections to **Senate Bill 1143**.

1. Public School Education

As elected leaders, we have a constitutional obligation to provide a thorough education to Idaho citizens. As parents, grandparents, neighbors and committed members of our respective communities, we have a moral obligation to ensure that each young Idahoan receives the highest quality education possible.

The development of their young, eager minds is not something we can simply hold in abeyance while we wait for better days. The reductions I have vetoed would have adverse impacts on all districts and even greater impacts on smaller school districts.

For example, the Lake Pend Oreille School District in Sandpoint indicates that a reduction would force them to cut up to \$250,000 in the current year. With no cash reserve account, they would be forced to suspend most of their extra-curricular activities including spring sports, drama, choir and band, among other programs. They would eliminate all discretionary spending for classroom supplies and building maintenance, layoff classroom aides, cut janitorial services in the schools, freeze hiring for replacement staff, reduce teacher development, and suspend all field trips.

These budget reductions might help the state through the current fiscal year, but for the nearly 18,000 kindergartners and for all of the 245,000 young Idahoans attending our public schools, these cuts represent missed opportunities of learning and development that can never be recouped.

The reductions to the School for the Deaf and Blind are also unacceptable. Our commitment to children must not exclude those with special needs. Therefore, my actions hold the State School in Gooding to the same standard as our public schools – holding them harmless.

2. Higher Education

I also object to any further cuts to higher education.

Our colleges and universities are engines for economic recovery and growth. They are producing the highly skilled workforce that will keep Idaho business and industry thriving in a very competitive economy.

They have been full partners in helping the state weather the economic storm of the past two years. Last year, their original appropriation was reduced by 10%. This year, further cuts will jeopardize the ability of our colleges and universities to provide a competitive and stable academic environment.

Additionally, in this current economic downturn there have been significant increases in enrollment at our colleges and universities. The need exists and Idaho students continue to pursue the higher education that will prepare them to be successful in the competitive world of high tech and the global economy.

Limiting student access to higher education by cutting funding for the Promise Scholarships and other financial aid for Idaho college students is not a viable option to help balance the budget.

3. Our Veterans

The cuts proposed in this bill could eliminate transportation services to and from medical facilities for some Veterans who are confined to wheelchairs.

As we work to balance the budget in the face of this crisis, we must remember that in good times and in bad, our Veterans served this great nation and fought to defend our freedoms. As this Nation looks to our armed forces on the eve of international conflict, we must reaffirm our commitment to the patriotic Americans who served this Country with pride and dignity. In any form, cuts to the Division of Veterans Services do not reflect the level of commitment we should have to these American heroes.

4. Public Safety

In the area of public safety, this bill would seriously undermine the ability of Idaho's law enforcement, judicial and correctional agencies to enforce the law, put criminals behind bars and keep Idaho communities safe.

After two years of budget reductions, many positions in the Idaho State Police have been cut or held vacant. Financial uncertainty in this current year is forestalling the hiring of several key positions. The reductions in the state crime lab, the delayed replacement of police vehicles, and the cutting of additional state troopers resulting from this bill is not acceptable. We must bring stability to our State Police to help us maintain the safety and security of Idahoans.

Idaho has been very successful with drug courts. These courts are primary factors in slowing the costly growth in our prisons. The proposed cuts to the judiciary would eliminate the

state's ability to administer the cost-effective drug courts and shifts the burden to an already overburdened prison system where the cost is exponentially higher.

In our adult and juvenile correction facilities, further cuts are also unacceptable. Without sufficient staffing in the prisons, and with reductions in parole officers and parole hearing officers, we would begin to create a dangerous paradox. This bill would freeze our ability to accommodate prison growth, requiring a greater number of criminals to be returned to our communities prematurely while reducing our ability to monitor inmates who are released or paroled. Safety for employees within the prison, and security within our communities is a priority.

5. Seniors

I also object to cuts that would hurt senior citizens. This bill jeopardizes programs like the home delivery of meals and care for the homebound. These programs allow many of our senior citizens to remain in their own home rather than go into a nursing home where the potential for additional costs to the state are inevitable.

6. Human Rights

Idaho has also made great strides in the area of human rights. The cuts proposed in this bill could undermine the gains made on behalf of all Idahoans. We should not allow temporary financial circumstances to be the impetus to ignore our responsibility to respond to human injustices.

7. Water and the Environment

In the fourth consecutive year of drought, it is unwise to make further cuts in the agency that administers the lifeblood of Idaho – our water. After already eliminating the Stream Channel Protection program, this negative supplemental would threaten the ability of the Department of Water Resources to address drought emergencies in the state. It would also impact our ability to complete the Snake River Basin Adjudication on schedule.

Additionally, the holdbacks on the Department of Environmental Quality would force us to choose between preserving water quality standards across the state and cleaning up the Coeur d' Alene Basin. Both are unacceptable and we should not be forced to make that choice.

III. CONCLUSION

Therefore, I hereby withhold my approval from, disapprove, and veto **Senate Bill 1143**.

Today marks the 66th day of this legislative session. During this time, members of the Legislature have been doing their due diligence and the reality of what we're facing is becoming apparent. My priorities are clear and I reaffirm the path forward I proposed in January.

I call upon the members of the Legislature to join me in this cause, to make permanent the holdbacks I have already implemented in the current fiscal year, and to begin to focus our combined efforts on challenges presented for Fiscal Year 2004.

I look forward to working with the Legislature to adopt a responsible path forward in these trying times.

Sincerely,
/s/ Dirk Kempthorne
Governor

The question being, "Shall **S 1143** become law, the Governor's veto notwithstanding?"

On request by Senator Davis, granted by unanimous consent, **S 1143** was recommitted to the Finance Committee.

The Senate advanced to the Ninth Order of Business.

Messages from the House

March 12, 2003

Mr. President:

I transmit herewith **H 199**, as amended, **H 283**, as amended, **H 332**, **H 340**, **H 341**, **H 342**, **H 343**, **H 344**, **H 345**, and **H 302** which have passed the House.

JUKER, Chief Clerk

H 199, as amended, **H 283**, as amended, **H 332**, **H 340**, **H 341**, **H 342**, **H 343**, **H 344**, **H 345**, and **H 302** were filed for first reading.

March 12, 2003

Mr. President:

I transmit herewith Enrolled **H 151**, **H 225**, **H 21**, **H 204**, **H 175**, **H 176**, **H 28**, **H 29**, **H 20**, **H 216**, **H 253**, **H 56**, and **H 124** for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **H 151**, **H 225**, **H 21**, **H 204**, **H 175**, **H 176**, **H 28**, **H 29**, **H 20**, **H 216**, **H 253**, **H 56**, and **H 124** and ordered them returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1163 **BY JUDICIARY AND RULES COMMITTEE** **AN ACT**

RELATING TO SEX OFFENDER NOTIFICATION;
AMENDING SECTIONS 18-8325 AND 18-8412, IDAHO
CODE, TO PROVIDE DESCRIPTIVE LANGUAGE, TO
PROVIDE CODE REFERENCES AND TO PROVIDE FOR

CIVIL LIABILITY FOR EMPLOYERS WHO FAIL TO PROVIDE NOTIFICATION REGARDING REGISTERED SEXUAL OFFENDERS; AND AMENDING CHAPTER 16, TITLE 16, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 16-1620B, IDAHO CODE, TO REQUIRE EMPLOYERS WHO HAVE KNOWLEDGE THAT THEY EMPLOY A SEX OFFENDER OR JUVENILE SEX OFFENDER TO PROVIDE WRITTEN NOTICE TO MINOR EMPLOYEES AND THEIR PARENTS OR GUARDIANS, TO PROVIDE THAT SUCH NOTICE MAY BE SENT TO THE LAST KNOWN ADDRESS OF THE MINOR EMPLOYEE AND TO SET FORTH NOTICE REQUIREMENTS.

S 1164

**BY STATE AFFAIRS COMMITTEE
AN ACT**

RELATING TO ADMINISTRATIVE RULES; CONTINUING CERTAIN RULES IN FULL FORCE AND EFFECT UNTIL JULY 1, 2004; CONTINUING RULES APPROVED OR EXTENDED BY ADOPTION OF A CONCURRENT RESOLUTION OF THE FIRST REGULAR SESSION OF THE FIFTY-SEVENTH IDAHO LEGISLATURE IN FULL FORCE AND EFFECT UNTIL JULY 1, 2004, OR UNTIL SUCH TIME AS THEY SHALL EXPIRE; PROVIDING THAT RULES REJECTED BY CONCURRENT RESOLUTION SHALL BE NULL, VOID AND OF NO FORCE AND EFFECT; AUTHORIZING AGENCIES TO AMEND OR REPEAL CERTAIN RULES PURSUANT TO THE ADMINISTRATIVE PROCEDURE ACT AND DECLARING THE EFFECT OF THIS ACT UPON ADMINISTRATIVE RULES; AND PROVIDING SEVERABILITY.

S 1165

**BY STATE AFFAIRS COMMITTEE
AN ACT**

RELATING TO THE PRACTICE OF RESPIRATORY THERAPY; AMENDING SECTION 54-4303, IDAHO CODE, TO REVISE A DEFINITION, TO DEFINE TERMS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER 43, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-4304A, IDAHO CODE, TO REQUIRE A LICENSE OR PERMIT FOR THE PRACTICE OF POLYSOMNOGRAPHY RELATED RESPIRATORY CARE, TO SET FORTH QUALIFICATIONS, TO PROVIDE FOR PERMITS, TO PROVIDE FOR CONTINUING EDUCATION, TO PROVIDE FOR APPLICATION OF CERTAIN PROVISIONS AND TO PROVIDE FOR A CONDITIONAL PERMIT; AND AMENDING SECTION 54-4313, IDAHO CODE, TO REVISE PROVISIONS RELATING TO MEMBERSHIP OF THE LICENSURE BOARD; AND TO PROVIDE FOR THE FILLING OF BOARD VACANCIES FOLLOWING PASSAGE OF THE ACT.

S 1163, S 1164, and S 1165 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 199, as amended, by Health and Welfare Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

H 283, as amended, by Ways and Means Committee, was introduced, read the first time at length, and referred to the Agricultural Affairs Committee.

H 332, H 340, H 341, H 342, H 343, H 344, and H 345, by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

H 302, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

H 263, by Education Committee, was read the second time at length and filed for third reading.

H 102 and H 298, by Agricultural Affairs Committee, were read the second time at length and filed for third reading.

S 1154, S 1155, S 1156, S 1157, S 1158, S 1159, and S 1161, by Finance Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

S 1149 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Calabretta arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Rouse (Andreason), Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Lodge. Total - 1.

Total - 35.

Whereupon the President declared **S 1149** passed, title was approved, and the bill ordered transmitted to the House.

S 1150 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Bailey, Brandt, Bunderson, Burtenshaw, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Keough, Little, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Rouse (Andreason), Sorensen, Stegner, Sweet, Williams. Total - 26.

NAYS--Burkett, Calabretta, Kennedy, Malepeai, Marley, Schroeder, Stennett, Werk. Total - 8.

Absent and excused--Lodge. Total - 1.

Total - 35.

Whereupon the President declared **S 1150** passed, title was approved, and the bill ordered transmitted to the House.

S 1151 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Bunderson, Burtenshaw, Cameron, Compton, Darrington, Davis, Geddes, Goedde, Hill, Ingram, Keough, Lodge, McKenzie, Noble, Pearce, Richardson, Rouse (Andreason), Sorensen, Sweet, Williams. Total - 21.

NAYS--Burkett, Calabretta, Gannon, Kennedy, Little, Malepeai, Marley, McWilliams, Noh, Schroeder, Stegner, Stennett, Werk. Total - 13.

Absent and excused--Bailey. Total - 1.

Total - 35.

Whereupon the President declared **S 1151** passed, title was approved, and the bill ordered transmitted to the House.

S 1152 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Bunderson, Burtenshaw, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Keough, Little, Lodge, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Rouse (Andreason), Sorensen, Stegner, Sweet. Total - 25.

NAYS--Burkett, Calabretta, Kennedy, Malepeai, Marley, Schroeder, Stennett, Werk. Total - 8.

Absent and excused--Bailey, Williams. Total - 2.

Total - 35.

Whereupon the President declared **S 1152** passed, title was approved, and the bill ordered transmitted to the House.

S 1153 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Calabretta arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Bailey, Brandt, Bunderson, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Keough, Little, Lodge, McKenzie, Noble, Noh, Pearce, Richardson, Rouse (Andreason), Sorensen, Stegner, Sweet, Williams. Total - 26.

NAYS--Burkett, Ingram, Kennedy, Malepeai, Marley, Schroeder, Stennett, Werk. Total - 8.

Absent and excused--McWilliams. Total - 1.

Total - 35.

Whereupon the President declared **S 1153** passed, title was approved, and the bill ordered transmitted to the House.

S 1062, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Schroeder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Bailey, Bunderson, Burkett, Calabretta, Compton, Gannon, Goedde, Kennedy, Keough, Little, Malepeai, Marley, McWilliams, Noh, Rouse (Andreason), Schroeder, Sorensen, Stegner, Stennett, Werk. Total - 20.

NAYS--Brandt, Burtenshaw, Cameron, Davis, Geddes, Hill, Ingram, Lodge, McKenzie, Noble, Pearce, Richardson, Sweet, Williams. Total - 14.

Absent and excused--Darrington. Total - 1.

Total - 35.

Whereupon the President declared **S 1062**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

H 59, as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Rouse (Andreason), Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Calabretta. Total - 1.

Total - 35.

Whereupon the President declared **H 59**, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

H 195, as amended in the Senate, as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Compton arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Pearce, Richardson, Rouse (Andreason), Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--Noh. Total - 1.

Total - 35.

Whereupon the President declared **H 195**, as amended in the Senate, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

H 194, as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate.

Pursuant to Joint Rule 18, Senator Werk moved, seconded by Senator Stennett, that **H 194**, as amended in the Senate, be recommitted to the Local Government and Taxation Committee to review the sufficiency of the Statement of Purpose. The question being, "Shall the motion prevail?"

Roll call vote was requested by Senators Stennett, Calabretta, and Werk.

Roll call resulted as follows:

AYES--Burkett, Calabretta, Kennedy, Malepeai, Marley, Stennett, Werk. Total - 7.

NAYS--Bailey, Brandt, Bunderson, Burtenshaw, Cameron, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Keough, Little, Lodge, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Rouse (Andreason), Schroeder, Stegner, Sweet, Williams. Total - 26.

Absent and excused--Compton, Sorensen. Total - 2.

Total - 35.

Less than a majority having voted in the affirmative, the President declared that the motion did not prevail. The question being, "Shall **H 194**, as amended in the Senate, pass?"

Roll call resulted as follows:

AYES--Bailey, Brandt, Bunderson, Burtenshaw, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Keough, Little, Lodge, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Rouse (Andreason), Stegner, Sweet, Williams. Total - 26.

NAYS--Burkett, Calabretta, Kennedy, Malepeai, Marley, Schroeder, Stennett, Werk. Total - 8.

Absent and excused--Sorensen. Total - 1.

Total - 35.

Whereupon the President declared **H 194**, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

H 255, as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Rouse (Andreason), Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Gannon, Sorensen. Total - 2.

Total - 35.

Whereupon the President declared **H 255**, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, **H 256**, as amended, and **H 257** retained their place on the Third Reading Calendar.

H 229 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brandt arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Compton, Davis, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Rouse (Andreason), Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 30.

NAYS--Calabretta, Cameron, Darrington. Total - 3.

Absent and excused--Gannon, Sorensen. Total - 2.

Total - 35.

Whereupon the President declared **H 229** passed, title was approved, and the bill ordered returned to the House.

H 231 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Rouse (Andreason), Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the President declared **H 231** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, **H 92** was placed on the Third Reading Calendar to immediately follow **H 329**.

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate recessed at 12:10 p.m. until the hour of 3:30 p.m. of this day.

RECESS AFTERNOON SESSION

The Senate reconvened at 3:30 p.m., pursuant to recess, President Risch presiding.

Roll call showed all members present except Senators Cameron, Schroeder, and Sorensen, absent and excused.

Prior to recess the Senate was at the Thirteenth Order of Business, Third Reading of Bills.

H 329, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Little arose as sponsor of the bill and opened the debate.

Moved by Senator Stennett, seconded by Senator Werk, that **H 329** be referred to the Fourteenth Order of Business for amendment. The question being, "Shall the motion prevail?"

Roll call vote was requested by Senators Stennett, Calabretta, and Werk.

Roll call resulted as follows:

AYES--Burkett, Calabretta, Kennedy, Malepeai, Marley, McWilliams, Noh, Schroeder, Stegner, Stennett, Werk. Total - 11.

NAYS--Bailey, Brandt, Bunderson, Burtenshaw, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Keough, Little, Lodge, McKenzie, Noble, Pearce, Richardson, Rouse (Andreason), Sorensen, Sweet, Williams. Total - 23.

Absent and excused--Cameron. Total - 1.

Total - 35.

Whereupon the President declared that the motion did not prevail. The question being, "Shall **H 329** pass?"

Roll call resulted as follows:

AYES--Bailey, Brandt, Bunderson, Burtenshaw, Cameron, Davis, Gannon, Geddes, Hill, Little, Lodge, McKenzie, Noble, Pearce, Richardson, Sorensen, Stegner, Sweet, Williams. Total - 19.

NAYS--Burkett, Calabretta, Compton, Darrington, Goedde, Ingram, Kennedy, Keough, Malepeai, Marley, McWilliams, Noh, Rouse (Andreason), Schroeder, Stennett, Werk. Total - 16.

Total - 35.

Whereupon the President declared **H 329** passed, title was approved, and the bill ordered returned to the House.

H 92 was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Sorensen and Bunderson arose as co-sponsors of the bill and opened the debate.

Moved by Senator Burkett, seconded by Senator Calabretta, that **H 92** be referred to the Fourteenth Order of Business for amendment. The question being, "Shall the motion prevail?"

Roll call vote was requested by Senators Stennett, Calabretta, and Kennedy.

Roll call resulted as follows:

AYES--Burkett, Calabretta, Davis, Kennedy, Malepeai, Marley, McWilliams, Stegner, Stennett, Werk. Total - 10.

NAYS--Bailey, Brandt, Bunderson, Burtenshaw, Cameron, Compton, Darrington, Gannon, Geddes, Goedde, Hill, Ingram, Keough, Little, Lodge, McKenzie, Noble, Noh, Pearce, Richardson, Rouse (Andreason), Sorensen, Sweet, Williams. Total - 24.

Absent and excused--Schroeder. Total - 1.

Total - 35.

Whereupon the President declared that the motion did not prevail. The question being, "Shall **H 92** pass?"

Roll call resulted as follows:

AYES--Bailey, Brandt, Bunderson, Burtenshaw, Cameron, Compton, Darrington, Gannon, Geddes, Goedde, Hill, Ingram, Keough, Little, Lodge, McKenzie, Noble, Noh, Pearce, Richardson, Rouse (Andreason), Schroeder, Sorensen, Stennett, Sweet, Werk, Williams. Total - 27.

NAYS--Burkett, Calabretta, Davis, Kennedy, Malepeai, Marley, McWilliams, Stegner. Total - 8.

Total - 35.

Whereupon the President declared **H 92** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 6 p.m. until the hour of 9:30 a.m., Friday, March 14, 2003.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary